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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,911	02/04/2004	Yih-Shin Tan	5577-289	3483
46589	7590	08/23/2007		
MYERS BIGEL SIBLEY SAJOVEC P.A. PO BOX 37428 RALEIGH, NC 27627			EXAMINER ENG, DAVID Y	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/771,911

**Applicant(s)**

TAN ET AL.

**Examiner**

DAVID Y. ENG

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/16/2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Applicants are requested to provide the US Patent Application No. and the status thereof on page 6 of the specification.

#### ***Drawings***

Figures 1-6 are objected to under 37CFR 1.84(o) for lack of legends.

#### ***Abstract***

The present abstract is objected to as being unclear. A new abstract which is more aptly descriptive of the nature and gist of the technical disclosure is requested. The abstract merely consists of statement stating what can be done on a service node message. The abstract fails to set forth what the invention does or what problem is solved by the invention.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Computer program product is not one of useful process, machine, manufacture, or composition of matter, or any new and useful improvement and therefore is non-statutory subject matter.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of independent claims is not clear. The fails fail to recite what action is taken in regard to communication between service nodes in a service grid after a determination is made on the destination service node message format. The determination step is not significant if there is no action taken in response to the determination. Further, it appears that the transmitting format and the receiving format are independent from each other.

In the second last paragraph of claim 8, the phrase "that is separate from the requesting service node in the requesting service node message format" is not understood.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-11, 14 -25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giroux (USP 6,782,003) in view of either Talia (Applicant cited prior art, The Open Grid Services Architecture, IEEE 2002) or Doyle (USP 7,171,470).

Talia teaches:

**Claims 1, 2, 8, 9, 15, 18, 19, 22, 23**

A method of communicating between service nodes in a service grid (Figure 1 of Giroux) comprising:

transmitting a requesting service node message from a requesting service node in a service grid directed to a destination service node in the service grid, the requesting service node message having a requesting service node message format associated with a version of the requesting service node;

receiving the requesting service node message at an inter-operability service in the requesting service node message format; and

determining a destination service node message format for the requesting service node message based on a version of the destination service node (see the abstract for converting data from source format to destination format and also Figure 2).

The only difference is that Giroux teaches conversion in Internet network and not in a Grid infrastructure. Grid network is well known in the art. See page 67 in Talia or Figure 1 and column 3 lines 64-66 of Doyle. Both Talia and Doyle teach grid network. Since all references are directed toward network, it would have been obvious to a person of ordinary skill in the art to convert format as taught by Giroux in the grid

network of either Talia or Doyle the receiver is able to receive messages in destination format.

**Claims 3, 10, 16, 20, 24**

The wherein clauses of the claims merely consist of non-functional descriptive Material.

**Claims 4, 5, 14, 17, 21, 25**

See the servers between the source and the destination in Talia or Doyle.

**Claims 7, 11**

Determining and storing format or version are inherent in converting format.

**Allowable Subject Matter**

**Claims 6, 12, 13,**

The claims appear contain allowable subject matter. For the reason set forth in the Section 112 rejection above, no statement can be made as to whether they are allowable. The claims would be given favorable if the Section 112 rejection is overcome and the claims are rewritten in independent form.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

Art Unit: 2155

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID Y. ENG  
PRIMARY EXAMINER